

SUPERIOR COURT BERGEN COUNTY

FILED

SEP 10 2004


DEPUTY CLERK

IN RE: DIET DRUG LITIGATION
VENUED IN BERGEN COUNTY

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO. BER-L-7718-03 MT
CASE CODE 240

**PRETRIAL ORDER
FOR TRIAL LIST CASES**

THIS MATTER having come before the Court for multiple case management conferences during which the Court has determined that certain cases from discovery Group 1 are to be prepared on an expedited basis for trials commencing in March 2005, and good cause having been shown,

IT IS on this 10th day of September, 2004, ORDERED AS FOLLOWS:

1. The Court imposes the following deadlines for the following Group 1 cases set for trial on March 15, 2005: Lehw-Biby, Covino, White, Moss, Henson, Hines, Fuss-Houck, Elkington, Grantham, Lacy and Thompson.

Discovery Completion

2. Fact discovery may continue through the period of expert discovery. Completion of discovery includes supplementation as required under R. 4:17-7. The parties are hereby ordered to supplement their discovery responses as required under R. 4:17-7.

Expert Witness Designations

3. Plaintiffs shall serve all reports, curriculum vitae and fee schedules for all experts no later than ~~October 14~~, 2004.

4. Defendant shall serve all reports, curriculum vitae and fee schedules for all experts no later than ~~November 12~~, 2004.

December

5. Expert depositions shall be concluded by February 4, 2005.

Exhibit, Witness and Deposition Designations

6. The parties shall serve no later than February ^H~~4~~, 2005, their witness list, exhibit list, and page/line designations for all depositions that they intend to introduce affirmatively at trial. The witness list shall specify whether the witnesses will be produced live or through deposition testimony. All exhibits shall be available to the opposing party for inspection and copying on or before February 28, 2005, upon written request.

7. The parties shall serve no later than March 7, 2005, objections, counter-designations and rebuttal designations to designations served in accordance with paragraph 6, and rebuttal exhibits and witnesses.

8. The Court shall conduct a hearing prior to trial to consider unresolved objections to deposition testimony designations.

Dispositive and Non-Dispositive Pretrial Motions

9. The parties shall serve all motions, including dispositive motions, motions directed to the admissibility of expert evidence, and evidentiary *in limine* motions, no later than February 16, 2005.

10. The parties shall serve responses to such motions no later than February 28, 2005.

11. The parties shall file and serve replies to such motions no later than March 8, 2005.

12. The Court shall hold hearings on such motions beginning on March 15, 2005, prior to the trial of this matter.

Pretrial Hearing

13. Before the time of the pretrial hearing and after the parties exchange deposition

designations, witness lists, exhibit lists and motions, the parties shall meet and confer to attempt to resolve as many disputes as possible.

14. The Court shall hold a pretrial hearing on a date of the court's choosing to resolve outstanding issues related to deposition designations, witness lists, exhibit lists and remaining motions.

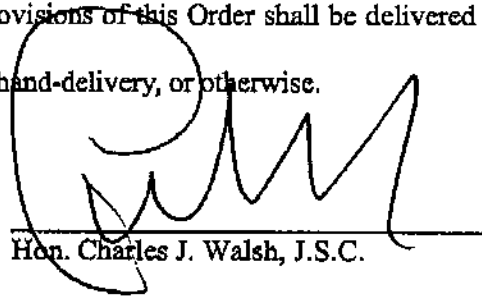
Trial Procedures

15. The parties shall provide 24 hours' notice of all permitted deposition excerpts they seek to introduce at trial, reflecting the court's rulings on objections, counter-designations, and rebuttal designations.

16. The parties shall provide 24 hours' notice of all live witnesses that they intend to call at trial as well as any exhibits, graphics, or demonstratives to be used with that witness. Graphics, demonstrative aids and documents to be used in opening and closing statements shall be disclosed 24 hours in advance of such statements.

Service

17. Service of documents pursuant to provisions of this Order shall be delivered to the opposing counsel on the date indicated, by Verilaw, hand-delivery, or otherwise.



Hon. Charles J. Walsh, J.S.C.